

REMARKS

Reconsideration of this application, as amended, is respectfully requested. Claims 6-21 are pending in the application, of which claims 6 and 14 are independent.

In the Office Action dated December 20, 2002, the Examiner rejected claims 6, 10, and 12 under 35 U.S.C. 102(b) as being anticipated by U.S. 3,247,581 (Pellizzari, hereinafter, U.S. '581). The Examiner also rejected claims 6, 8, 10, and 12 under 35 U.S.C. 103(a) as being unpatentable over U.S. 1,980,264 (Geisler, hereinafter, U.S. '264) in view of U.S. '581. The Examiner further rejected claims 7, 9, 11, and 13 under 35 U.S.C. 103(a) as being unpatentable over U.S. '264 in view of U.S. '581, and further in view of U.S. 6,260,401 (Tada, hereinafter, U.S. '401). For the reasons set forth below, as well as for other reasons, it is believed that claims 6-13 are neither anticipated nor rendered unpatentable by any of the prior art of record.

Specifically, claim 6 claims a process for forming a tube-shaped hollow body. This process comprises the following five steps:

- (1) shaping a slab-shaped semi-finish product into a closed cross-sectional profile;
- (2) welding opposing edges of the semi-finished product to produce the hollow body;
- (3) mechanically partially expanding or partially reducing the hollow body thereby changing the cross-sectional area of the hollow body;
- (4) soft annealing the hollow body after the mechanically partially expanding or partially reducing; and
- (5) hydroforming the hollow body after the soft annealing.

Claim 14 is similar to claim 6 except that step (3) is limited to mechanically partially expanding the hollow body.

Applicants submit that the combination of these five steps is neither disclosed nor rendered obvious by the prior art of record. Thus, the Examiner rejected claim 6 as being fully anticipated by U.S. '581, citing in particular page 1, lines 47-59, thereof. However, this prior art reference does not disclose or suggest the step of mechanically partially expanding or partially reducing the hollow body thereby to change its cross-sectional area before soft annealing and hydroforming the hollow body. U.S. '581 merely discloses bending of the tubing elements before performing the hydroforming step so that the tubing elements comprise the initially formed corrugations. See col. 2, lines 34-47, of U.S. '581. However, there is no disclosure anywhere in U.S. '581 for mechanically partially expanding or partially reducing the hollow body thereby changing its cross-sectional area prior to hydroforming as required by claim 6. Therefore, claim 6 is not anticipated by U.S. '581. A similar argument applies to new claim 14.

The Examiner also asserted that claim 6 is obvious from U.S. '264 when taken in view of U.S. '581. The Examiner asserted that U.S. '264 discloses shaping a tube by mechanically expanding, annealing and hydroforming. Applicants respectfully disagree.

In particular, U.S. '264 discloses a method of forming adjacent corrugations on a portion of a tube, whereby a first portion of an oval tube is "deformed" to a cylindrical shape. See Figs. 1-3 and col. 2, lines 75-89. Corrugations are then formed in that portion of the hollow tube by hydroforming. Accordingly, US '264 merely discloses mechanical deforming of an oval tube. It does not disclose partially expanding or reducing the oval tube to thereby change its cross-sectional area as is evident from Figs. 1-3 of US '264. The limitations of claim 6 requiring that the hollow body be mechanically partially expanded or partially reduced thereby to change its cross-sectional area prior to hydroforming is not disclosed or suggested by U.S. '264. As this feature is also not disclosed by U.S. '581, this feature is not disclosed by the combination of

these two references.

With regard to U.S. '401, this prior art reference appears to disclose mechanical expanding of a hollow body. However, there is no disclosure or suggestion in U.S. '401 for hydroforming. Nor is there any suggestion in U.S. '401 for mechanically partially expanding or reducing a hollow body to achieve a greater final cross sectional shape followed by hydroforming. As there is no suggestion in any of the prior art to perform mechanical partial expansion or partial reduction of a hollow body thereby changing its cross-sectional area followed by a final hydroforming step, claim 6 is not rendered unpatentable by any combination of the prior art. Similar arguments apply to new claim 14.

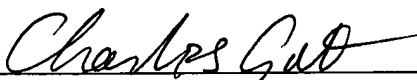
Accordingly, withdrawal of the rejection of claim 6 and the claims which depend from it under either 35 U.S.C. 102(b) or 103(a) is respectfully requested.

In view of the foregoing, it is believed that the application is now in condition for allowance and a favorable action on the merits is respectfully requested.

A new Power of Attorney is being filed concurrently herewith. It is requested that the Examiner direct all future communications associated with this application to the undersigned at the address and telephone number given below.

Respectfully submitted,

PROSKAUER ROSE LLP

By 
Charles Guttman
Reg. No. 29,161

Date: May 2, 2003

PROSKAUER ROSE LLP
1585 Broadway
New York, New York 10036-8299
(212) 969-3000